

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86156209
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86156209/large
LITERAL ELEMENT	EARLY HEART ATTACK CARE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
<p>Applicant appreciates the Examining Attorney's prompt response to its second request for reconsideration.</p> <p>The Examining Attorney continues to rely exclusively on articles written by reports and printed in newspapers and similar publications in support of her statement that the "purchasing public" does not regard EARLY HEART ATTACK CARE as an indication the source of Applicant's services. The "purchasing public," or relevant consumers, are not newspaper reporters. Rather, they are medical professionals, persons in the medical community, and patients who are the relevant consumers of Applicant's services. There is no indication that these consumers do not recognize Applicant as the source of EARLY HEART ATTACK CARE awareness services. And the Examining Attorney cannot cite to any legal support for the position that press articles are evidence that the purchasing public does not view a trademark as such. For these reasons, Applicant again requests that the Examining Attorney allow the mark for publication.</p>	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/sherry flax/
SIGNATORY'S NAME	Sherry Flax
SIGNATORY'S POSITION	Attorney of record, Maryland bar member
DATE SIGNED	07/15/2015
AUTHORIZED SIGNATORY	YES

CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Jul 15 13:43:22 EDT 2015
TEAS STAMP	USPTO/RFR-209.120.230.194 -20150715134322391951-861 56209-540a6054d8dbc2dc4a2 179a8bc28fe2287f2cd619eee 5191521ca22c517613a84c-N/ A-N/A-2015071513341000550 3

PTO Form 1960 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **86156209** EARLY HEART ATTACK CARE(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86156209/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Applicant appreciates the Examining Attorney's prompt response to its second request for reconsideration. The Examining Attorney continues to rely exclusively on articles written by reports and printed in newspapers and similar publications in support of her statement that the "purchasing public" does not regard EARLY HEART ATTACK CARE as an indication the source of Applicant's services. The "purchasing public," or relevant consumers, are not newspaper reporters. Rather, they are medical professionals, persons in the medical community, and patients who are the relevant consumers of Applicant's services. There is no indication that these consumers do not recognize Applicant as the source of EARLY HEART ATTACK CARE awareness services. And the Examining Attorney cannot cite to any legal support for the position that press articles are evidence that the purchasing public does not view a trademark as such. For these reasons, Applicant again requests that the Examining Attorney allow the mark for publication.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /sherry flax/ Date: 07/15/2015

Signatory's Name: Sherry Flax

Signatory's Position: Attorney of record, Maryland bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof;

and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

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Internet Transmission Date: Wed Jul 15 13:43:22 EDT 2015

TEAS Stamp: USPTO/RFR-209.120.230.194-20150715134322

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